IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE MR JUSTICE BILAL NAZKI

-

WRIT PETITION No.11531 of 1990

Between:

M.China Mallaiah, S/o.Muthaiah,

Aged 64 years, R/o.Ramanthapur Village,

Uppal Mandal, Ranga Reddy District.

..... PETITIONER

AND

The Special Officer & Competent Authority,

Urban Lands Ceilings, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ or writs, order or direction, declaring the action of the respondent in seeking to deprive the petitioner of the lands bearing Survey Nos.4/2, 6/P and 147 admeasuring 10,938-94 Sq. Mts., pursuant to the notice dated 2-4-1990 issued in File No.G1/1595/76 by the respondent, as illegal, arbitrary, unconstitutional and without jurisdiction, award costs.

Counsel for the Petitioner: MR.K.RAGHUVEER REDDY

Counsel for the Respondent: GP FOR LAND CEILING

The Court made the following:

ORDER:

Order passed under Section 10 of the Urban Lands (Ceiling and Regulation) Act, 1976 has been challenged in this writ petition. The order is appealable. The contentions raised by the petitioner were not raised by him while notice was given to him under Section 8 of the Act. Although he submits that no notice was ever received by him, the respondent's contention is that a notice was given to him. In this view of the matter, I feel that the matter could be better appreciated by the appellate authority. Since the petitioner has been before this Court for more than 14 years, in the interest of justice, while dismissing the writ petition, the petitioner is directed to file an appeal before the appropriate authority within two weeks from today. In such event, no objection shall be taken on the ground of limitation. No costs.

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Date : August 26, 2004. **BILAL NAZKI, J**

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Special Officer & Competent Authority,

Urban Land Ceilings, Hyderabad.

2. Two CCs to the G.P. for Land Ceiling,

High Court of A.P., Hyderabad (O.U.T)

3. Two C.D. copies.